

104TH CONGRESS
2D SESSION

H. R. 3563

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1996

Mr. SHUSTER (for himself and Mr. OBERSTAR) (both by request) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Resources Development Act of 1996”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

- Sec. 2. Definitions.
- Sec. 3. Project authorizations.
- Sec. 4. Project modifications.
- Sec. 5. Expansion of section 1135 program.
- Sec. 6. Ecosystem restoration.
- Sec. 7. Planning assistance to States.
- Sec. 8. Regulatory Program Fund.
- Sec. 9. Recovery of costs for clean up of hazardous substances.
- Sec. 10. Engineering and environmental innovations of national significance.
- Sec. 11. Cost-sharing of environmental projects.
- Sec. 12. Federal lump-sum payments for Federal operation and maintenance costs.
- Sec. 13. Selection of and cost-sharing for dredged material disposal facilities.
- Sec. 14. Waiver of uneconomical cost-sharing requirements.
- Sec. 15. Buford Trenton Irrigation District.
- Sec. 16. City of North Bonneville, Washington.
- Sec. 17. Collaborative research and development.
- Sec. 18. Research and development in support of Army civil works program.
- Sec. 19. National inventory of dams.
- Sec. 20. Teton County, Wyoming.
- Sec. 21. Interagency and international support authority.
- Sec. 22. Project deauthorizations.
- Sec. 23. Flood Insurance Interagency Task Force.
- Sec. 24. State and Federal agency review period.
- Sec. 25. Recreation user fee revenues.
- Sec. 26. Technical Advisory Committee.
- Sec. 27. Revocation of section 211, River and Harbor Act of 1950.
- Sec. 28. Technical corrections.
- Sec. 29. Discontinuance of maintenance of low-use ports.
- Sec. 30. Structural flood control cost-sharing and floodplain management requirements.
- Sec. 31. Study authorities.
- Sec. 32. Montgomery Point Lock and Dam.
- Sec. 33. Lease authority.
- Sec. 34. Section 215 reimbursement limitation per project.
- Sec. 35. Poplar Island, Maryland.
- Sec. 36. Removal of study prohibitions .

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act, the term “Secretary”
 3 means the Secretary of the Army.

4 **SEC. 3. PROJECT AUTHORIZATIONS.**

5 The following projects for water resources develop-
 6 ment and conservation and other purposes are authorized
 7 to be carried out by the Secretary substantially in accord-
 8 ance with the plans, and subject to the conditions, rec-

1 ommended in the respective reports designated in this sec-
2 tion:

3 (1) HUMBOLDT HARBOR AND BAY, CALIFOR-
4 NIA.—The project for navigation, Humboldt Harbor
5 and Bay, California: Report of the Chief of Engi-
6 neers, dated October 30, 1995, at a total cost of
7 \$15,180,000, with an estimated Federal share of
8 \$10,116,000 and an estimated non-Federal share of
9 \$5,064,000.

10 (2) SAN LORENZO RIVER, CALIFORNIA.—The
11 project for flood damage reduction, San Lorenzo
12 River, California: Report of the Chief of Engineers,
13 dated June 30, 1994, at a total cost of \$16,900,000,
14 with an estimated Federal cost of \$8,450,000 and
15 an estimated non-Federal costs of \$8,450,000.

16 (3) PALM VALLEY BRIDGE REPLACEMENT, ST.
17 JOHNS COUNTY, FLORIDA.—The project for naviga-
18 tion, Palm Valley Bridge, County Road 210, over
19 the Atlantic Intracoastal Waterway in St. Johns
20 County, Florida: Report of the Chief of Engineers,
21 dated June 24, 1994, at a total Federal cost of
22 \$15,881,000, provided that St. Johns County enters
23 into a written agreement in which it agrees to as-
24 sume full ownership of the replacement bridge after
25 construction and responsibility for operation, main-

1 tenance, repair, replacement, and rehabilitation of
2 the replacement bridge.

3 (4) ILLINOIS SHORELINE STORM DAMAGE RE-
4 DUCTION, WILMETTE TO ILLINOIS AND INDIANA
5 STATE LINE, ILLINOIS.—The project for lake level
6 flooding and storm damage reduction, extending
7 from Wilmette, Illinois, to the Illinois and Indiana
8 State line: Report of the Chief of Engineers, dated
9 April 14, 1994, at a total cost of \$204,000,000, with
10 an estimated Federal cost of \$110,000,000, and an
11 estimated non-Federal cost of \$94,000,000. The
12 Secretary shall reimburse the project sponsor for the
13 Federal share of any costs the project sponsor
14 incurs in constructing the breakwater near the
15 South Water Filtration Plant, in Chicago, Illinois.

16 (5) POND CREEK, KENTUCKY.—The project for
17 flood damage reduction, Pond Creek, Kentucky: Re-
18 port of the Chief of Engineers, dated June 28, 1994,
19 at a total cost of \$16,080,000, with an estimated
20 Federal cost of \$8,040,000 and an estimated non-
21 Federal cost of \$8,040,000.

22 (6) WOLF CREEK HYDROPOWER, CUMBERLAND
23 RIVER, KENTUCKY.—The project for hydropower,
24 Wolf Creek Dam and Lake Cumberland, Kentucky:
25 Report of the Chief of Engineers, dated June 28,

1 1994, at a total cost of \$53,763,000. The non-Fed-
2 eral share of project costs shall be 100%, in accord-
3 ance with section 103(c) of the Water Resources De-
4 velopment Act of 1986. Funds derived by the Ten-
5 nessee Valley Authority from its power program and
6 funds derived from any private or public entity des-
7 ignated by the Southeastern Power Administration
8 may be used to pay for all or a part of the non-
9 Federal project cost requirements.

10 (7) WOOD RIVER, GRAND ISLAND, NEBRASKA.—

11 The project for flood damage reduction, Wood River,
12 Grand Island, Nebraska: Report of the Chief of En-
13 gineers, dated May 3, 1994, at a total cost of
14 \$11,800,000, with an estimated Federal cost of
15 \$5,900,000 and an estimated non-Federal cost of
16 \$5,900,000.

17 (8) WILMINGTON HARBOR, NORTH CAROLINA.—

18 The project for navigation, Wilmington Harbor,
19 Cape Fear - Northeast Cape Fear Rivers, North
20 Carolina: Report of the Chief of Engineers, dated
21 June 24, 1994, at a total cost of \$23,953,000, with
22 an estimated Federal cost of \$15,032,000 and an es-
23 timated non-Federal cost of \$8,921,000.

24 (9) DUCK CREEK, OHIO.—The project for flood

25 damage reduction, Duck Creek, Ohio: Report of the

1 Chief of Engineers, dated June 28, 1994, at a total
2 cost of \$15,947,000, with an estimated Federal
3 share of \$7,973,500 and an estimated non-Federal
4 share of \$7,973,500.

5 (10) RIO GRANDE DE ARECIBO, PUERTO
6 RICO.—The project for flood damage reduction, Rio
7 Grande de Arecibo, Puerto Rico: Report of the Chief
8 of Engineers dated April 5, 1994, at a total cost of
9 \$19,951,000, with an estimated Federal share of
10 \$9,975,500 and an estimated non-Federal share of
11 \$9,975,500.

12 (11) BIG SIOUX RIVER, SIOUX FALLS, SOUTH
13 DAKOTA.—The project for flood damage reduction,
14 Big Sioux River, Sioux Falls, South Dakota: Report
15 of the Chief of Engineers dated June 30, 1994, at
16 a total cost of \$34,600,000, with an estimated Fed-
17 eral share of \$17,300,000 and an estimated non-
18 Federal share of \$17,300,000.

19 (12) MARMET LOCK REPLACEMENT, WEST VIR-
20 GINIA.— The project for navigation, Marmet Lock
21 Replacement, Marmet Lock and Dam, Kanawha
22 River, West Virginia: Report of the Chief of Engi-
23 neers, dated June 24, 1994, at a total cost of
24 \$229,581,000. Of the total cost, one-half is to be
25 paid from amounts appropriated from the general

1 fund of the Treasury and one-half is to be paid from
2 amounts appropriated from the Inland Waterways
3 Trust Fund.

4 (13) AMERICAN RIVER WATERSHED, CALIFOR-
5 NIA.—The project for flood damage reduction,
6 American and Sacramento Rivers, California: Sup-
7 plemental Information Report for the American
8 River Watershed Project, California, dated March
9 1996, at a total cost of \$57,300,000, with an esti-
10 mated Federal cost of \$28,650,000 and an esti-
11 mated non-Federal cost of \$28,650,000, consisting
12 of approximately 24 miles of slurry wall in the exist-
13 ing levees along the lower American River; approxi-
14 mately 12 miles of levee modifications along the east
15 bank of the Sacramento River downstream from the
16 Natomas Cross Canal; 3 telemeter streamflow gages
17 upstream from the Folsom Reservoir; and modifica-
18 tions to the existing flood warning system along the
19 lower American River. The non-Federal project
20 sponsor shall receive credit toward the non-Federal
21 share of project costs for expenses it has incurred
22 for design or construction of any of the features au-
23 thorized pursuant to this paragraph prior to the
24 time Federal funds are appropriated for construction
25 of the project. The amount of the credit shall be de-

1 terminated by the Secretary. The Secretary of the In-
2 terior shall continue to operate the Folsom Dam and
3 Reservoir to the variable 400,000/670,000 acre-feet
4 of flood control storage capacity as an interim meas-
5 ure and extend the agreement between the Bureau
6 of Reclamation and the Sacramento Area Flood
7 Control Agency until such time as a comprehensive
8 flood control plan for the American River Watershed
9 has been implemented. The non-Federal project
10 sponsor shall be responsible for all operation, main-
11 tenance, repair, replacement, and rehabilitation costs
12 associated with the improvements undertaken pursu-
13 ant to this paragraph, as well as costs for the vari-
14 able flood control operation of the Folsom Dam and
15 Reservoir.

16 **SEC. 4. PROJECT MODIFICATIONS.**

17 (a) CENTRAL AND SOUTHERN FLORIDA: CANAL C-
18 111.—The project for Central and Southern Florida, au-
19 thorized by section 203 of the Flood Control Act of 1968
20 (Public Law 90-483), is modified to authorize the Sec-
21 retary to implement the recommended plan of improve-
22 ment contained in the District Engineer's Report entitled
23 "Central and Southern Florida Project, Final Integrated
24 General Reevaluation Report and Environmental Impact
25 Statement, Canal 111 (C-111), South Dade County, Flor-

1 ida”, dated May 1994, including acquisition of such por-
2 tions of the Frog Pond and Rocky Glades areas as are
3 needed for the project. The Federal share of the cost of
4 implementing the plan of improvement shall be 50 percent.
5 The Department of the Interior shall pay 25 percent of
6 the cost of acquiring such portions of the Frog Pond and
7 Rocky Glades areas as are needed for the project, which
8 amount shall be included in the Federal share. The non-
9 Federal share of operation and maintenance costs of the
10 improvements undertaken pursuant to this subsection
11 shall be 100 percent; except that the Federal Government
12 shall reimburse the non-Federal project sponsor 60 per-
13 cent of the costs of operating and maintaining pump sta-
14 tions that pump water into Taylor Slough in Everglades
15 National Park.

16 (b) CENTRAL AND SOUTHERN FLORIDA: CANAL C-
17 51.—The project for flood protection of West Palm Beach,
18 Florida (C-51), authorized by section 203 of the Flood
19 Control Act of 1962 (Public Law 87-874), is modified to
20 provide for construction of an enlarged stormwater deten-
21 tion area, Storm Water Treatment Area 1 East, generally
22 in accordance with the plan of improvements described in
23 the February 15, 1994, report entitled “Everglades Pro-
24 tection Project, Palm Beach County, Florida, Conceptual
25 Design”, prepared by Burns and McDonnell, and as fur-

1 ther described in detailed design documents to be ap-
2 proved by the Secretary. The additional work authorized
3 by this subsection shall be accomplished at complete Fed-
4 eral expense in recognition of the water supply benefits
5 accruing to the Loxahatchee National Wildlife Refuge and
6 the Everglades National Park and in recognition of the
7 statement in support of the Everglades restoration effort
8 set forth in the document signed by the Department of
9 the Interior and the Department of the Army in July
10 1993. Operation and maintenance of the stormwater de-
11 tention area shall be consistent with regulations prescribed
12 by the Secretary for the Central and Southern Florida
13 project, with all costs of such operation and maintenance
14 work borne by non-Federal interests.

15 (c) ARKANSAS CITY, KANSAS.—The project for flood
16 damage reduction, Arkansas City, Kansas, authorized by
17 section 401(a) of the Water Resources Development Act
18 of 1986 (100 Stat. 4116), is modified to authorize the Sec-
19 retary to construct the project at a total cost of
20 \$38,500,000, with an estimated Federal cost of
21 \$19,250,000 and an estimated non-Federal cost of
22 \$19,250,000.

23 (d) NORTH BRANCH OF CHICAGO RIVER, ILLI-
24 NOIS.—The project for flood damage reduction for the
25 North Branch of the Chicago River, Illinois, authorized

1 by section 401(a) of the Water Resources Development
2 Act of 1986 (100 Stat. 4115) is modified to authorize the
3 Secretary to construct the project at a total cost of
4 \$34,228,000, with an estimated Federal cost of
5 \$20,905,000 and an estimated non-Federal cost of
6 \$13,323,000.

7 (e) CAPE GIRARDEAU, MISSOURI.—The project for
8 flood damage reduction, Cape Girardeau, Jackson Metro-
9 politan Area, Missouri, authorized by section 401(a) of the
10 Water Resources Development Act of 1986 (100 Stat.
11 4118–4119) is modified to authorize the Secretary to con-
12 struct the project at a total cost of \$45,414,000, with an
13 estimated Federal cost of \$33,030,000 and an estimated
14 non-Federal cost of \$12,384,000.

15 (f) SAW MILL RUN, PENNSYLVANIA.—The project
16 for flood damage reduction, Saw Mill Run, Pittsburgh,
17 Pennsylvania, authorized by section 401(a) of the Water
18 Resources Development Act of 1986 (100 Stat. 4124) is
19 modified to authorize the Secretary to construct the
20 project at a total cost of \$12,780,000, with an estimated
21 Federal share of \$6,390,000 and an estimated non-Fed-
22 eral share of \$6,390,000.

23 (g) SAN JUAN HARBOR, PUERTO RICO.—The project
24 for navigation, San Juan Harbor, Puerto Rico, authorized
25 by section 202(a) of the Water Resources Development

1 Act of 1986 (100 Stat. 4097) is modified to authorize the
 2 Secretary to implement the project in accordance with the
 3 General Reevaluation Report and Environmental Assess-
 4 ment dated March 1994 at a total cost of \$43,993,000,
 5 with an estimated Federal cost of \$27,341,000 and an es-
 6 timated non-Federal cost of \$16,652,000.

7 (h) REMOVAL OF NAVIGATION HAZARD, SEEKONK
 8 RIVER, PROVIDENCE, RHODE ISLAND.—Section 1166(c)
 9 of the Water Resources Development Act of 1986 (100
 10 Stat. 4258–4259) is modified by—

11 (1) striking “\$500,000” and replacing it with
 12 “\$1,300,000”; and,

13 (2) striking “\$250,000” each place it appears
 14 and replacing it with “\$650,000”.

15 **SEC. 5. EXPANSION OF SECTION 1135 PROGRAM.**

16 Section 1135 of the Water Resources Development
 17 Act of 1986 (33 U.S.C. 2309a) is amended by—

18 (1) striking the period at the end of subsection
 19 (a) and inserting the following: “and to determine if
 20 the operation of such projects has contributed to the
 21 degradation of the quality of the environment.”;

22 (2) striking the last 2 sentences of subsection
 23 (b); and

1 (3) redesignating subsections (c), (d), and (e)
2 as (e), (f), and (g), respectively, and inserting after
3 subsection (b) the following new subsections:

4 “(c) If the Secretary determines that operation of a
5 water resources project has contributed to the degradation
6 of the quality of the environment, the Secretary may also
7 undertake measures for restoration of environmental qual-
8 ity, provided such measures are feasible and consistent
9 with the authorized project purposes.

10 “(d) The non-Federal share of the cost of any modi-
11 fications or measures carried out or undertaken pursuant
12 to subsections (b) or (c) of this section shall be 25 percent.
13 No more than \$5,000,000 in Federal funds may be ex-
14 pended on any single modification or measure carried out
15 or undertaken pursuant to this section.”.

16 **SEC. 6. ECOSYSTEM RESTORATION.**

17 (a) The Secretary is authorized to carry out eco-
18 system restoration and protection projects when the Sec-
19 retary determines that such projects will improve the qual-
20 ity of the environment and are in the public interest and
21 that the environmental and economic benefits, both mone-
22 tary and nonmonetary, of a project to be undertaken pur-
23 suant to this section justify the cost. Non-Federal inter-
24 ests shall provide 50 percent of the cost of construction
25 of any project carried out under this section, including

1 provision of all lands, easements, rights-of-ways and nec-
2 essary relocations.

3 (b) Construction of a project pursuant to this section
4 shall be initiated only after a non-Federal interest has en-
5 tered into a binding agreement with the Secretary to pay
6 the non-Federal share of the costs of construction required
7 by this section and to pay 100 percent of any operation,
8 maintenance, and replacement and rehabilitation costs of
9 the project in accordance with regulations prescribed by
10 the Secretary.

11 (c) No project may be carried out under this section
12 without specific authorization by Congress if the estimated
13 Federal cost of the project exceeds \$5,000,000.

14 (d) There is authorized to be appropriated not to ex-
15 ceed \$50,000,000 annually to carry out this section.

16 **SEC. 7. PLANNING ASSISTANCE TO STATES.**

17 Section 22 of the Water Resources Development Act
18 of 1974 (42 U.S.C. 1962d–16) is amended by—

19 (1) inserting “, watersheds or ecosystems” after
20 “basins” in subsection (a);

21 (2) striking subsection (b)(2) and redesignating
22 subsections (b)(3) and (b)(4) as (b)(2) and (b)(3),
23 respectively; and,

1 (3) striking “\$6,000,000” and “\$300,000” in
2 subsection (c) and inserting “\$10,000,000” and
3 “\$500,000”, respectively.

4 **SEC. 8. REGULATORY PROGRAM FUND.**

5 (a) ESTABLISHMENT OF FUND.—There is hereby es-
6 tablished in the Treasury of the United States the “Army
7 Civil Works Regulatory Program Fund” (hereinafter re-
8 ferred to as the “Regulatory Program Fund”) into which
9 shall be deposited fees collected by the Secretary pursuant
10 to subsection (b) of this section. Amounts deposited into
11 the Regulatory Program Fund are authorized to be appro-
12 priated to the Secretary to cover a portion of the expenses
13 incurred by the Department of the Army in administering
14 laws pertaining to the regulation of the navigable waters
15 of the United States, including wetlands.

16 (b) REGULATORY FEES.—(1) To the extent provided
17 for in appropriations Acts, the Secretary shall establish
18 and collect fees for the evaluation of commercial permit
19 applications, for the recovery of costs associated with the
20 preparation of Environmental Impact Statements required
21 by the National Environmental Policy Act of 1969, and
22 for the recovery of costs associated with wetlands deline-
23 ations for major developments affecting wetlands. Amounts
24 collected pursuant to this paragraph shall be deposited

1 into the Regulatory Program Fund established by sub-
2 section (a) of this section.

3 (2) The fees described in paragraph (1) of this sub-
4 section shall be established by the Secretary at rates that
5 will allow for the recovery of receipts at amounts as pro-
6 vided for in appropriation Acts.

7 **SEC. 9. RECOVERY OF COSTS FOR CLEAN UP OF HAZARD-**
8 **OUS SUBSTANCES.**

9 Any amounts recovered under section 107 of the
10 Comprehensive Environmental Response, Compensation,
11 and Liability Act of 1980 (42 U.S.C. 9607) for any re-
12 sponse action taken by the Secretary in support of the
13 Army civil works program and any other amounts recov-
14 ered by the Secretary from a contractor, insurer, surety,
15 or other person to reimburse the Army for any expenditure
16 for environmental response activities in support of the
17 Army civil works program shall be credited to the trust
18 fund account from which the cost of such response action
19 has been paid or will be charged.

20 **SEC. 10. ENGINEERING AND ENVIRONMENTAL INNOVA-**
21 **TIONS OF NATIONAL SIGNIFICANCE.**

22 To encourage innovative and environmentally sound
23 engineering solutions and innovative environmental solu-
24 tions to problems of national significance, the Secretary
25 may undertake surveys, plans, and studies and prepare re-

1 ports which may lead to work under existing civil works
2 authorities or to recommendations for authorizations.
3 There is authorized to be appropriated up to \$3,000,000
4 each fiscal year for the purpose of carrying out this sec-
5 tion. The Secretary may also accept and expend additional
6 funds from other Federal agencies, States, or non-Federal
7 entities for purposes of carrying out this section.

8 **SEC. 11. COST-SHARING OF ENVIRONMENTAL PROJECTS.**

9 Section 103(c) of the Water Resources Development
10 Act of 1986 (100 Stat. 4085) is amended by—

11 (1) striking “and” at the end of paragraph (5);

12 (2) inserting “and” at the end of paragraph

13 (6); and

14 (3) adding at the end the following new para-

15 graph:

16 “(7) environmental protection and restoration:

17 50 percent.”.

18 **SEC. 12. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OP-**

19 **ERATION AND MAINTENANCE COSTS.**

20 (a) At a water resources project where the non-Fed-

21 eral interest is responsible for performing the operation,

22 maintenance, replacement, and rehabilitation of the

23 project and the Federal Government is responsible for

24 paying a portion of the operation, maintenance, replace-

25 ment, and rehabilitation costs, the Secretary may provide,

1 under terms and conditions acceptable to the Secretary,
2 a payment of the estimated total Federal share of such
3 costs to the non-Federal interest after completion of con-
4 struction of the project or a separable element thereof.

5 (b) The amount to be paid shall be equal to the
6 present value of the Federal payments over the life of the
7 project, as estimated by the Government, and shall be
8 computed using an interest rate determined by the Sec-
9 retary of the Treasury taking into consideration current
10 market yields on outstanding marketable obligations of the
11 United States with maturities comparable to the remain-
12 ing life of the project.

13 (c) The Secretary may make a payment under this
14 section only if the non-Federal interest has entered into
15 a binding agreement with the Secretary to perform the
16 operation, maintenance, replacement, and rehabilitation of
17 the project or separable element. The agreement must be
18 in accordance with the requirements of section 221 of the
19 Flood Control Act of 1970 (84 Stat. 1818) and must con-
20 tain provisions specifying the terms and conditions under
21 which a payment may be made under this section and the
22 rights of, and remedies available to, the Federal Govern-
23 ment to recover all or a portion of a payment made under
24 this section in the event the non-Federal interest suspends
25 or terminates its performance of operation, maintenance,

1 replacement, and rehabilitation of the project or separable
2 element or fails to perform such activities in a manner
3 satisfactory to the Secretary.

4 (d) Except as provided in subsection (c), a payment
5 provided to the non-Federal interest under this section
6 shall relieve the Government of any future obligations for
7 paying any of the operation, maintenance, replacement,
8 and rehabilitation costs for the project or separable ele-
9 ment.

10 **SEC. 13. SELECTION OF AND COST-SHARING FOR DREDGED**
11 **MATERIAL DISPOSAL FACILITIES.**

12 (a) The cost of constructing all dredged material dis-
13 posal facilities associated with Federal navigation projects
14 for harbors and inland harbors, including the cost of
15 diking and the cost of other improvements necessary for
16 the proper disposal of dredged material shall be considered
17 a general navigation feature of such projects and shall be
18 cost shared in accordance with the procedures set forth
19 in section 101(a) of the Water Resources Development Act
20 of 1986 (100 Stat. 4083).

21 (b) The Federal share of the cost of operation and
22 maintenance of each disposal facility to which subsection
23 (a) applies shall be determined in accordance with section
24 101(b) of the Water Resources Development Act of 1986
25 (100 Stat. 4083).

1 (c) The Federal share of the cost of constructing
2 dredged material disposal facilities associated with the op-
3 eration and maintenance of all Federal navigation projects
4 for harbors and inland harbors shall be considered eligible
5 operation and maintenance costs for purposes of section
6 210(a) of the Water Resources Development Act of 1986
7 (100 Stat. 4106) and shall be paid for out of the Harbor
8 Maintenance Trust Fund established by section 1403 of
9 the Water Resources Development Act of 1986 (100 Stat.
10 4269–4270).

11 (d) Section 214(2)(A) of the Water Resources Devel-
12 opment Act of 1986 (100 Stat. 4108) is amended by in-
13 serting the following after “harbor or inland harbor”: “,
14 dredging and disposing of contaminated sediments which
15 are in or which affect the maintenance of Federal naviga-
16 tion channels, mitigating for storm damage and environ-
17 mental impacts resulting from Federal maintenance activi-
18 ties, and operating and maintaining dredged material dis-
19 posal facilities”.

20 (e) The Secretary shall ensure, to the extent prac-
21 ticable, that funding requirements for operation and main-
22 tenance dredging of commercial navigation harbors are
23 considered fully before Federal funds are obligated for
24 payment of the Federal share of costs associated with con-
25 struction of dredged material disposal facilities in accord-

1 ance with subsection (a) and that funds expended for such
2 construction are equitably apportioned in accordance with
3 regional needs.

4 (f) This section shall apply to the construction of
5 dredged material disposal facilities for which a contract
6 for construction has not been awarded on or before the
7 date of the enactment of this Act. The Secretary may, with
8 the consent of the non-Federal interest, amend a project
9 cooperation agreement executed prior to the date of the
10 enactment of this Act to reflect the provisions of sub-
11 section (a) of this section with regard to dredged material
12 disposal facilities for which a contract for construction has
13 not been awarded.

14 **SEC. 14. WAIVER OF UNECONOMICAL COST-SHARING RE-**
15 **QUIREMENTS.**

16 Section 221 of the Flood Control Act of 1970 (42
17 U.S.C. 1962d–5b) is amended by striking the period at
18 the end of the first sentence and inserting the following:
19 “; except that no such agreement shall be required if the
20 Secretary determines that the administrative costs associ-
21 ated with negotiating, executing, or administering the
22 agreement would exceed the amount of the contribution
23 required from the non-Federal interest.”.

1 **SEC. 15. BUFORD TRENTON IRRIGATION DISTRICT.**

2 (a) The Secretary shall acquire permanent flowage
3 and saturation easements over—

4 (1) the lands in Williams County, North Da-
5 kota, extending from the riverward margin of the
6 Buford Trenton Irrigation District main canal to the
7 north bank of the Missouri River, beginning at the
8 Buford Trenton Irrigation District pumping station
9 located in the NE¹/₄ of Section 17, T-152-N, R-
10 104-W, and continuing northeasterly downstream to
11 the land referred to as the East Bottom; and,

12 (2) any other lands outside of the boundaries of
13 the Buford Trenton Irrigation District which are
14 contiguous to the District and which have been af-
15 fected by rising groundwater and surface flooding.

16 (b) The easement acquired by the Secretary pursuant
17 to this section shall include the right, power, and privilege
18 of the Government to submerge, overflow, percolate and
19 saturate the surface and subsurface of the land and such
20 other terms and conditions considered appropriate by the
21 Secretary.

22 (c) In acquiring the interests in the lands as provided
23 for in subsection (a) of this section, the Secretary shall
24 pay an amount based on the unaffected fee value of the
25 lands.

1 (d) Notwithstanding any other provision of law, the
 2 Secretary shall convey to the Buford Trenton Irrigation
 3 District all right, title, and interest of the United States
 4 in the drainage pumps located within the boundaries of
 5 the District. The Secretary is further authorized to pro-
 6 vide a lump sum payment of \$60,000 for power require-
 7 ments associated with operation of the drainage pumps.

8 (e) There is authorized to be appropriated up to
 9 \$34,000,000 to carry out this section. Such sums shall
 10 remain available until expended.

11 **SEC. 16. CITY OF NORTH BONNEVILLE, WASHINGTON.**

12 Section 9147 of Public Law 102–396 is amended by
 13 striking all that follows “is further modified to” the first
 14 place it appears in subsection (a) and inserting the follow-
 15 ing: “authorize the Secretary of the Army to convey to
 16 the City of North Bonneville, Washington, at no further
 17 cost to the City, all right, title, and interest of the United
 18 States in and to—

19 “(1) any municipal facilities, utilities, fixtures,
 20 and equipment for the relocated City, and any re-
 21 maining lands designated as open spaces or municipi-
 22 pal lots not previously conveyed to the City, specifi-
 23 cally, Lots M1 through M15, M16 (the “community
 24 center lot”), M18, M19, M22, M24, S42 through

1 S45, and S52 through S60, as shown on the plats
2 of Skamania County, Washington;

3 “(2) the ‘school lot’ described as Lot 2, Block
4 5 on the plats of relocated North Bonneville, re-
5 corded in Skamania County, Washington;

6 “(3) parcels 2 and C, but only upon the comple-
7 tion of any environmental response actions required
8 under applicable law;

9 “(4) that portion of Parcel B lying south of the
10 existing City boundary, west of the sewage treat-
11 ment plant, and north of the drainage ditch that is
12 located adjacent to the northerly limit of the Hamil-
13 ton Island landfill, provided the Secretary of the
14 Army determines, at the time of the proposed con-
15 veyance, that the Department of the Army has taken
16 all action necessary to protect human health and the
17 environment;

18 “(5) such portions of Parcel H which can be
19 conveyed without a requirement for further inves-
20 tigation, inventory, or other action by the Depart-
21 ment of the Army under the provisions of the Na-
22 tional Historic Preservation Act; and

23 “(6) such easements as the Secretary of the
24 Army deems necessary for—

1 “(A) sewer and water line crossings of re-
2 located Washington State Highway No. 14; and

3 “(B) reasonable public access to the Co-
4 lumbia River across those portions of Hamilton
5 Island that remain under the ownership of the
6 United States.

7 The conveyances referred to in paragraphs (1), (2), (5),
8 and (6)(A) shall be completed within 180 days after the
9 United States receives the release referred to in subsection
10 (b)(1). All other conveyances shall be completed expedi-
11 tiously, subject to any conditions specified in the applica-
12 ble subsection.

13 “(b)(1) The conveyances authorized in subsection (a)
14 are intended to resolve all outstanding issues between the
15 United States and the City of North Bonneville. As a pre-
16 requisite to such conveyances, the City of North Bonne-
17 ville shall execute an acknowledgment of payment of just
18 compensation and shall execute a release of any and all
19 claims for relief of any kind against the United States
20 growing out of the relocation of the City of North Bonne-
21 ville, or any prior Federal legislation relating thereto, and
22 shall dismiss, with prejudice, any pending litigation involv-
23 ing such matters.

24 “(2) Upon receipt of the City’s acknowledgment and
25 release referred to in paragraph (1), the Attorney General

1 of the United States shall dismiss any pending litigation
2 arising out of the relocation of the City of North Bonne-
3 ville and shall execute a release of any and all rights to
4 damages of any kind under the February 20, 1987, judg-
5 ment of the United States Claims Court, including any
6 interest thereon.

7 “(3) Within 60 days after the conveyances authorized
8 in subsections (a)(1) through (a)(6)(A) have been com-
9 pleted, the City shall execute an acknowledgment that all
10 entitlements under those subsections have been completed
11 and shall execute a release of any and all claims for relief
12 of any kind against the United States arising out of this
13 statute.

14 “(c) Beginning on the date of the enactment of this
15 Act, the City of North Bonneville, or any successor in in-
16 terest thereto, shall—

17 “(1) be precluded from exercising any jurisdic-
18 tion over any lands owned in whole or in part by the
19 United States and administered by the Corps of En-
20 gineers in connection with the Bonneville project;
21 and

22 “(2) be authorized to change the zoning des-
23 ignations of, sell or resell Parcels S35 and S56,
24 which are presently designated as open spaces.”.

1 **SEC. 17. COLLABORATIVE RESEARCH AND DEVELOPMENT.**

2 Section 7 of the Water Resources Development Act
3 of 1988 (102 Stat. 4022) is amended by—

4 (1) adding the following at the end of sub-
5 section (d): “The Secretary may also accept and ex-
6 pend additional funds from other Federal programs,
7 including other Department of Defense programs.”;

8 (2) redesignating subsections (b), (c), and (d)
9 as paragraphs (1), (2) and (3), respectively;

10 (3) deleting subsection (e); and

11 (4) adding the following new subsection:

12 “(b) **PREAGREEMENT TEMPORARY PROTECTION OF**
13 **TECHNOLOGY.**—If the Secretary determines that informa-
14 tion developed as a result of research and development ac-
15 tivities conducted by the Corps of Engineers is likely to
16 be subject to a cooperative research and development
17 agreement within 2 years of its development and that such
18 information would be a trade secret or commercial or fi-
19 nancial information that would be privileged or confiden-
20 tial if the information had been obtained from a non-Fed-
21 eral party participating in a cooperative research and de-
22 velopment agreement under section 12 of the Stevenson-
23 Wydler Technology Innovation Act of 1980, the Secretary
24 may provide appropriate protection against the dissemina-
25 tion of such information, including exemption from sub-
26 chapter II of chapter 5 of title 5, United States Code, until

1 the earlier of the date the Secretary enters into such an
2 agreement with respect to such information or the last day
3 of the 2-year period beginning on the date of such deter-
4 mination. Any information covered by this subsection
5 which becomes the subject of a cooperative research and
6 development agreement shall be accorded the protection
7 provided under 15 U.S.C. 710a(c)(7)(B) as if such infor-
8 mation had been developed under a cooperative research
9 and development agreement.”.

10 **SEC. 18. RESEARCH AND DEVELOPMENT IN SUPPORT OF**
11 **ARMY CIVIL WORKS PROGRAM.**

12 (a) In carrying out research and development in sup-
13 port of the civil works program of the Department of the
14 Army, the Secretary may utilize contracts, cooperative re-
15 search and development agreements, cooperative agree-
16 ments, and grants with non-Federal entities, including
17 State and local governments, colleges and universities,
18 consortia, professional and technical societies, public and
19 private scientific and technical foundations, research insti-
20 tutions, educational organizations, and non-profit organi-
21 zations.

22 (b) With respect to contracts for research and devel-
23 opment, the Secretary may include requirements that have
24 potential commercial application and may also use such

1 potential application as an evaluation factor where appro-
 2 priate.

3 **SEC. 19. NATIONAL INVENTORY OF DAMS.**

4 Section 13 of Public Law 92–367 (33 U.S.C. 467l)
 5 is amended by striking the second sentence and replacing
 6 it with the following: “There is authorized to be appro-
 7 priated up to \$500,000 each fiscal year for the purpose
 8 of carrying out this section.”.

9 **SEC. 20. TETON COUNTY, WYOMING.**

10 Section 840 of the Water Resources Development Act
 11 of 1986 (100 Stat. 4176) is amended by—

12 (1) replacing the colon following “Secretary”
 13 with a period;

14 (2) inserting the following before “Provided,”:
 15 “In carrying out this section the Secretary may
 16 enter into agreements with the non-Federal sponsor
 17 permitting the non-Federal sponsor to perform oper-
 18 ation and maintenance for the project on a cost-re-
 19 imbursable basis.”; and

20 (3) inserting the following after “\$35,000”:
 21 “through providing in-kind services or”.

22 **SEC. 21. INTERAGENCY AND INTERNATIONAL SUPPORT AU-**
 23 **THORITY.**

24 The Secretary may apply the technical and manage-
 25 rial expertise of the Army Corps of Engineers to domestic

1 and international problems related to water resources, in-
2 frastructure development and environmental restoration
3 and protection in support of other Federal agencies or
4 international organizations on problems of national signifi-
5 cance to the United States. The Secretary may engage in
6 such activities in support of international organizations
7 only after consulting with the Department of State. There
8 is authorized to be appropriated up to \$3,000,000 each
9 fiscal year for the purpose of carrying out this section.
10 The Secretary may also accept and expend additional
11 funds from other Federal agencies or international organi-
12 zations for purposes of carrying out this section.

13 **SEC. 22. PROJECT DEAUTHORIZATIONS.**

14 (a) Section 1001 of the Water Resources Develop-
15 ment Act of 1986 (33 U.S.C. 579a) is amended by—

16 (1) striking “10” in the first sentence of para-
17 graph (2) of subsection (b) and replacing it with
18 “5”;

19 (2) striking “Before” at the beginning of the
20 second sentence of paragraph (2) of subsection (b)
21 and replacing it with “Upon official”; and

22 (3) inserting “planning, designing, or” before
23 “construction” in the last sentence of paragraph (2)
24 of subsection (b).

1 (b) Section 52(a) of the Water Resources Develop-
2 ment Act of 1988 (102 Stat. 4044) is repealed.

3 **SEC. 23. FLOOD INSURANCE INTERAGENCY TASK FORCE.**

4 Section 561 of the Riegle Community Development
5 and Regulatory Improvement Act of 1994 (Public Law
6 103–325) is amended by—

7 (1) striking “10” before “members” in sub-
8 section (b)(1) and inserting “11”;

9 (2) striking “and” at the end of subsection
10 (b)(1)(I);

11 (3) striking the period at the end of subsection
12 (b)(1)(J) and inserting “; and,”; and

13 (4) adding the following as a new subparagraph
14 at the end of subsection (b)(1):

15 “(K) the Assistant Secretary of the Army (Civil
16 Works).”.

17 **SEC. 24. STATE AND FEDERAL AGENCY REVIEW PERIOD.**

18 Section 1(a) of the Public Law 534, 78th Congress
19 (33 U.S.C. 701–1(a)) is amended by striking “ninety”
20 from the sentence “Within ninety days from the date of
21 receipt of said proposed report, the written views and rec-
22 ommendations of each affected State and of the Secretary
23 of the Interior may be submitted to the Chief of Engi-
24 neers.” and replacing it with “thirty” and by striking
25 “ninety-day” from the sentence “The Secretary of the

1 Army may prepare and make said transmittal and time
2 following said ninety-day period.” and replacing it with
3 “thirty-day”.

4 **SEC. 25. RECREATION USER FEE REVENUES.**

5 Section 4 of the Land and Water Conservation Fund
6 Act of 1965 (16 U.S.C. 460l–6a) is amended by adding
7 the following at the end of subsection (i)(1):

8 “(C) Notwithstanding paragraph (2), be-
9 ginning in fiscal year 1997, of the funds cov-
10 ered into the special account established for the
11 Army Corps of Engineers pursuant to subpara-
12 graph (A), eighty percent of all receipts earned
13 in the previous fiscal year in excess of
14 \$30,000,000 shall be made available to the
15 Corps without further appropriations. Begin-
16 ning in fiscal year 2006 and in each fiscal year
17 thereafter, eighty percent of all receipts earned
18 in the previous fiscal year which are in excess
19 of \$30,000,000 plus 4 percent per fiscal year
20 shall be made available to the Corps without
21 further appropriation. Amounts made available
22 to the Corps pursuant to this subparagraph
23 shall be used solely to maintain or improve in-
24 frastructure related to visitor use and to meet
25 annual operating expenses related to visitor

1 services at areas or sites administered by the
2 Corps. Of the funds made available to the
3 Corps under this subparagraph, 75 percent
4 shall be allocated to the area or site from which
5 the fees were collected in proportion to the
6 amount collected at each area or site and 25
7 percent shall be allocated to areas or sites on
8 the basis of need, as determined by the Sec-
9 retary of the Army.”.

10 **SEC. 26. TECHNICAL ADVISORY COMMITTEE.**

11 The Technical Advisory Committee established pur-
12 suant to section 310(a) of Public Law 101–640 shall no
13 longer exist after the date of the enactment of this Act.

14 **SEC. 27. REVOCATION OF SECTION 211, RIVER AND HARBOR**
15 **ACT OF 1950.**

16 Section 211 of the River and Harbor Act of 1950,
17 Public Law 516, 81st Congress, is hereby repealed.

18 **SEC. 28. TECHNICAL CORRECTIONS.**

19 (a) Section 203(b) of the Water Resources Develop-
20 ment Act of 1992 (106 Stat. 4826) is amended by striking
21 “(8662)” and inserting “(8862)”.

22 (b) Section 225(c) of the Water Resources Develop-
23 ment Act of 1992 (106 Stat. 4838) is amended by striking
24 “(8662)” in the second sentence and inserting “(8862)”.

1 **SEC. 29. DISCONTINUANCE OF MAINTENANCE OF LOW-USE**
2 **PORTS.**

3 (a) The Secretary shall develop and transmit to Con-
4 gress a list of harbors and channels that do not produce
5 commercial benefits which exceed the cost of operation
6 and maintenance of the harbor or channel and shall pub-
7 lish such list in the Federal Register no later than June
8 30, 1997.

9 (b) The list developed pursuant to subsection (a) shall
10 not include subsistence ports or ports serving communities
11 where the economy is substantially dependent upon com-
12 mercial fishing, charter fishing, or related commercial ac-
13 tivities.

14 (c) After September 30, 1997, the Secretary shall not
15 undertake or continue operation and maintenance activi-
16 ties at those harbors and channels included in the list de-
17 veloped pursuant to subsection (a).

18 (d) Any harbor or channel included on the list devel-
19 oped by the Secretary pursuant to this section shall not
20 be authorized after December 31, 2002, unless the Con-
21 gress specifically directs the continuation of operation and
22 maintenance of the harbor or channel in law.

23 (e) For purposes of this section—

24 (1) the term “commercial benefits” means the
25 benefits associated with the transportation of cargo
26 on a commercial vessel, including passengers trans-

ported for compensation or hire, and the benefits accruing to the owners and operators of vessels engaged in commercial fishing, charter fishing, or related commercial activities; and

(2) the term subsistence ports means a maritime port located in Alaska, Hawaii, or any possession of the United States, and which is the principal reliable commercial transportation facility available to the general public for the transport of cargo necessary to support the life and economy of the population residing at that geographic location.

**SEC. 30. STRUCTURAL FLOOD CONTROL COST-SHARING
AND FLOODPLAIN MANAGEMENT REQUIREMENTS.**

(a) Section 103(a) of the Water Resources Development Act of 1986 (100 Stat. 4084–4085) is amended by—

(1) striking “25” each place it appears in paragraph (2) and inserting “50”;

(2) striking “MINIMUM” in paragraph (2);

(3) adding the following to paragraph (2) after the last sentence in that paragraph: “The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the

1 requirement of paragraph (1)(A) of this sub-
2 section.”; and

3 (4) striking paragraphs (3) and (4).

4 (b) Section 402 of the Water Resources Development
5 Act of 1986 (100 Stat. 4133) is amended by—

6 (1) striking “Before” and inserting the follow-
7 ing: “Prior to initiation of”;

8 (2) inserting “Federal” after “any”;

9 (3) inserting “(a)” after “shall”; and

10 (4) striking the period after “programs” and
11 inserting the following: “and (b) develop and adopt
12 a comprehensive flood plain management plan that
13 the Secretary, after consultation with appropriate
14 Federal and State agencies, finds acceptable. The
15 cost of developing and adopting such a plan shall be
16 cost shared as a cost of the project in accordance
17 with sections 103(a) and 103(b) of the Water Re-
18 sources Development Act of 1986 (100 Stat. 4084–
19 4085).”.

20 (c) APPLICABILITY.—The amendments made by this
21 section shall apply to projects for which a written agree-
22 ment as required by section 221 of the Flood Control Act
23 of 1970 (84 Stat. 1818) has not been executed as of the
24 date of the enactment of this Act.

1 **SEC. 31. STUDY AUTHORITIES.**

2 (a) The Secretary is authorized to undertake studies
3 in the interest of navigation in that part of the Pacific
4 Region that includes American Samoa, Guam, and the
5 Commonwealth of the Northern Mariana Islands. For the
6 purposes of this subsection, the cost sharing as defined
7 in section 105 of the Water Resources Development Act
8 of 1986 (100 Stat. 4088-4089) shall apply.

9 (b) The Secretary is authorized to undertake a study
10 of the Charleston, South Carolina, estuary area located
11 in Charleston, Berkeley, and Dorchester Counties, South
12 Carolina, for the purpose of evaluating environmental con-
13 ditions in the tidal reaches of the Ashley, Cooper, Stono,
14 and Wando Rivers and the lower portions of Charleston
15 Harbor.

16 **SEC. 32. MONTGOMERY POINT LOCK AND DAM.**

17 In accordance with the provisions of section 102(a)
18 of the Water Resources Development Act of 1986 (100
19 Stat. 4084), one-half of the costs associated with the con-
20 struction of Montgomery Point Lock and Dam, a sepa-
21 rable element of the project for navigation, McClellan-Kerr
22 Arkansas River Navigation System, Arkansas, as author-
23 ized by section 1 of the River and Harbor Act of 1946,
24 Public Law 525, 79th Congress, shall be paid from
25 amounts appropriated from the general fund of the Treas-
26 ury and one-half shall be paid from amounts appropriated

1 from the Inland Waterways Trust Fund established by
 2 section 1405 of the Water Resources Development Act of
 3 1986 (100 Stat. 4271). This cost sharing shall apply to
 4 funds appropriated in fiscal year 1997 for construction of
 5 the project access road and support facilities, and all funds
 6 appropriated in fiscal year 1998 and beyond.

7 **SEC. 33. LEASE AUTHORITY.**

8 Notwithstanding any other provision of law, the Sec-
 9 retary may lease space available in buildings for which
 10 funding for construction or purchase was provided from
 11 the revolving fund established by chapter 245 of Public
 12 Law 153, 83d Congress (33 U.S.C. 576), under such
 13 terms and conditions as are acceptable to the Secretary.
 14 The proceeds from such leases shall be credited to the re-
 15 volving fund and shall be available for use for the purposes
 16 set forth in section 376 of title 33, United States Code.

17 **SEC. 34. SECTION 215 REIMBURSEMENT LIMITATION PER**
 18 **PROJECT.**

19 Section 215(a) of the Flood Control Act of 1968 (42
 20 U.S.C. 1962d–5a(a)) is amended by striking
 21 “\$3,000,000” and inserting “\$5,000,000”.

22 **SEC. 35. POPLAR ISLAND, MARYLAND.**

23 The Secretary shall implement the Poplar Island,
 24 Maryland project under section 204 of the Water Re-
 25 sources Development Act of 1992 (100 Stat. 4826–4827)

1 notwithstanding the funding limitations set forth in sub-
2 section (e) of that section.

3 **SEC. 36. REMOVAL OF STUDY PROHIBITIONS.**

4 Nothing in section 208 of Public Law 99–349 (100
5 Stat 749), section 505 of Public Law 102–377 (106 Stat
6 1343), or any other provision of law shall be deemed to
7 limit the authority of the Secretary to undertake studies
8 for the purpose of investigating alternative modes of fi-
9 nancing hydroelectric power facilities under the jurisdic-
10 tion of the Department of the Army.

○